U.S. ENVIRONMENTAL PROTECTION AGENCY--REGION VIII
SECTION 404 FIELD INVESTIGATION REPORT

INSPECTOR: Richard Clark	DATE: May 30, 2013	TIME: 11:30 am

REASON FOR INSPECTION

_X_ Suspected Unpermitted Discharge (initial inspection)
Source/Method of Discovery (name & telephone #):

__ Repeat Inspection for Verification of Elements of Violation

__ Review of Compliance with AO, Consent Decreed (CD)

__ Other:

SITE LOCATION State: Wyoming	Township: 15
County: Uinta	Range: 115
Nearest Town: Fort Bridger	Section: 30
Latitude: 41 Deg 15 Min 6.3 Sec North	Longitude: 110 Deg 25 Min 10.3 Sec West
USGS/NWI Map Name:	
Name of Water Body or Adjacent Water Body and Description of Work Location: The unauthorized fill occurred in Nine Mile Creek which flows into Black Fork River, which flows into the Flaming Gorge Reservoir. Violation occurred near the town of Fort Bridger, Uinta County, Wyoming.	

LANDOWNER (Current or Majority Property)	**PARTY/CONTRACTOR DISCHARGING FILL**
Name: Andrew Johnson	Name: Same
Address: 686 County Road	Address:
Town: Fort Bridger	Town:
State: Wyoming Zip: 82933	State: Zip:
Phone: (307) 782-6862	Phone:
PARTY/CONTRACTOR DISCHARGING FILL	**PARTY/CONTRACTOR DISCHARGING FILL**
Name: Same	Name:
Address:	Address:
Greeley,	
Phone:	Phone:

PERSONS PRESENT AT INSPECTION		
PHONE	NAME	AFFILIATION
(307) 782-6862	Andrew Johnson	Property Owner
(303) 312-6748	Dick Clark	USEPA

DESCRIPTION OF WORK

Approximate Area and Depth of Fill: Approximately a 40 foot reach of the creek was filled in the construction of the dam impacting approximately 785 linear feet of the Six Mile Creek channel.

Approximate Area of Impact: 785 linear feet of creek channel

Approx. Start Date:	Stop Work Date:	100% Complete:
July 2012	Oct 2012	

Apparent Composition of Fill: Fill was predominately imported sand, gravel and Clay and large concrete blocks. At the time of EPA's inspection the dam was completely full with water running over the sill way downstream. All creek side vegetation had been removed and the sides of the pond had been graded.

x Visual Observation

x Statement landowner or other (specify who): Corps violation report (attached drawing)

Type of Vehicle(s) Used for Fill Operation: Grader, and/or loader
Specify License Number or Identifying Marks, If Available: Unknown

Narrative Description of Fill Activity: Mr. Johnson had applied to the state of Wyoming for a stock pond permit. The state after working with Mr. Johnson on the design issued a permit on May 25, 2012. Mr. Johnson started construction of the stock pond in July 2012. The dam is constructed with both imported fill and large concrete blocks. A steel grated bridge goes over the dam which Mr. Johnson uses to access his home. The County access road is located just downstream of the dam and is used by both Mr. Johnson and his neighbor (Jeff Short) as an access also. The dam is a flow through design that allows water to flow through the dam at the spill way located under the grated bridge. There is also a draw down valve that would allow the dam to be fully drained. The predominate purpose of this pond is for recreation.

Stated Reason for Discharge: Construction of a dam that would impound water for both stock and

recreation in Six Mile Creek.

Mr.

AO OR CD COMPLIANCE STATUS

X Not Applicable OR Describe: No action at this time.

PERMIT HISTORY; KNOWLEDGE OF 404 REQUIREMENTS : Unclear at this time.

__ Permit Issued District: Omaha Dist. Date: Number:

Unclear at this time: Nationwide Permit or Exemption Presumed to Apply
Give Details:

_ Permit not Sought: Mr. Johnson is claiming that he had no knowledge of the need for a Section 404 permit from the Corps.

NA Permit not Sought; Knowledge of Requirements Unknown

AREA IMPACTED Palustrine emergent:
Riverine: 785 linear feet of Six Mile Creek

NWI Class: Palustrine emergent and riverine

Description of Waterbody: Six Mile Creek is a well defined creek that supports a riparian habitat dominated by a Salix sp. (willow) community. It is not evident that a wetland component existed within the impacted area, but it is possible. Six Mile Creek has been impacted by both agricultural practices which include irrigation water withdraws and road construction which parallels some of its banks. The creek is allowed to do some migration within the banks allowing for the development of both a riparian corridor and adjacent wetland development (fringe wetlands). A coldwater fishery exists in a main portion of the creek.

Apparent Function(s) of Waterbody: Flood control, water quality, wildlife habitat

Criteria Met for Jurisdictional Waters: Permanent flows into the Green River a TNW.

ADDITIONAL NOTES ON AREA IMPACTED (Optional)
VEGETATION:

Prevalent Plant Species	NWI Class	Prevalent Plant Species	NWI Class
➢	➢	➢	➢

➢	➢	➢	➢
➢	➢	➢	➢
➢	➢	➢	➢
➢	➢	➢	➢

Percent Dominant species that are OBL, FACW, and/or FAC: ➢

Prevalent Upland Species: ➢

SOILS: Classification: ➢	Soil Survey: ➢
Depth of Hole: ➢	SCS Map Symbol/Number: ➢
Observed Matrix Color: ➢	Matrix Color in Soil Survey: ➢
Observed Mottle Color: ➢	Matrix Color In Soil Survey: ➢

Location of Mottles: ➢

Is the Soil Gleyed: ➢

Other Characteristics: ➢

HYDROLOGY:
Obvious Indicators (inundation/saturation): ➢

Evidence of Soil Saturation in Soil Hole: ➢
Depth of Hole: ➢

Evidence of Flooding or Ponding: ➢

Other Evidence: ➢

Ground & Surface Water Connections: ➢

EVIDENCE OF INTERSTATE COMMERCE: ➢

RESULT OF INSPECTION

X Apparent Unpermitted Discharge

__ Prevention of Potential Violation

__ No Apparent Violation; No Discharge

__ No Apparent Violation; Discharge Permitted or Exempt

__ Noncompliance with Terms of AO or CD

__ Apparent Compliance with AO or CD

ATTACHMENTS

__ Maps and Sketches; No. Pages (➢)

_X_ Photographs; Total No. Submitted (4)

__ Additional Comments and Notes

_ Others; Specify:

ADDITIONAL NOTES OR FIELD SKETCH

SIGNATURE Richard Clark	**DATE06/06/13**

Photo 1: Taken May 30, 2013

Photo of the existing unpermitted dam. Looking in north east direction.

Photo 2: Taken May 30, 2013

Photo shows the upstream limit of the impounded water. House in the picture is Mr. Johnson closest neighbor upstream of the dam. (Ms. Ann Rose). The fence in the middle of the photo is the property line between Mr. Johnson's property and Ms. Rose's

Photo 3: Taken May 30, 2013

Photo shows the upstream limit of the impounded water. House in the picture is Mr. Johnson closest neighbor upstream of the dam. (Ms. Ann Rose).

Photo 4: Taken May 30, 2013

Photo taken from top of dam looking downstream. The culverted road in the photo is the Uinta County road easement. This access is used by Mr. Jeffery Short to access his home. Mr. Short's property abuts Mr., Johnson property on the northern property line of Mr. Johnson's property.

Photo 5: Taken May 30, 2013

Photo shows the upstream limit of the impounded water. House in the picture is Mr. Johnson closest neighbor upstream of the dam. (Ms. Ann Rose).